

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

In re: BM318,	§	
LLC,	§	Chapter 11
<i>Debtor.</i>	§	Case No. 20-42789-mxm11
	§	
TIMOTHY BARTON,	§	
<i>Appellant</i>	§	Civ. Act. No. 4:24-cv-863-P
v.	§	
DIXON WATER FOUNDATION, LUMAR LAND & CATTLE LLC, COURTNEY C THOMAS, RECEIVER	§	
<i>Appellees.</i>	§	

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**APPELLANT'S MOTION FOR EXTENSION OF TIME TO FILE APPELLANT'S  
BRIEF ON THE MERITS**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Timothy Barton, Appellant in the above-referenced matter, by and through newly-retained counsel, and respectfully files this Motion for Extension of Time to File Appellant's Brief on the Merits, and in support thereof states as follows:

**I. COMPLIANCE WITH AI DISCLOSURE REQUIREMENT**

1. Pursuant to the Northern District of Texas Local Rules, Appellant hereby discloses that artificial intelligence was used to assist in drafting this Motion.

**II. BACKGROUND**

2. This case is an appeal from the United States Bankruptcy Court for the Northern District of Texas, Fort Worth Division, Case No. 20-42789-mxm11, involving BM318 LLC, where Appellant Timothy Barton is the president.

3. The bankruptcy court entered a Final Agreed Judgment Dismissing the Adversary Proceeding on August 26, 2024 (Docket No. 142), from which Appellant timely filed a notice of appeal.

4. The issues presented on appeal include whether the bankruptcy court erred in dismissing the adversary proceeding with prejudice, dissolving lis pendens, and approving the forms of release of lis pendens filed by the Dixon Water Foundation and Lumar Land & Cattle LLC.

5. Under the current briefing schedule, the Appellant's brief is due on October 21, 2024.

6. The undersigned Counsel for Appellant was only recently retained to represent Appellant in this appeal, and additional time is necessary to familiarize counsel with the case and to adequately prepare the Appellant's brief.

### **III. REQUESTED RELIEF**

7. Appellant respectfully requests that the Court grant an extension of 30 days, extending the deadline for filing Appellant's brief on the merits to November 20, 2024.

### **IV. GOOD CAUSE FOR EXTENSION**

8. Good cause exists for the requested extension due to:

- a. The complexity of the legal and factual issues raised on appeal, including whether the bankruptcy court erred in dismissing the adversary proceeding with prejudice, dissolving the lis pendens, and approving the forms of release of lis pendens filed by the Dixon Water Foundation and Lumar Land & Cattle LLC; and

b. The recent retention of Appellant's counsel, who requires additional time to review the extensive record, assess the legal issues involved, and prepare a thorough and complete brief for the Court's consideration.

9. This request is made in good faith and not for purposes of delay.

#### **V. CONSULTATION WITH OPPOSING COUNSEL**

10. Pursuant to Local Rule 7.1, the Appellant conferred with counsel for Appellees regarding this Motion. Appellees oppose the relief sought in this motion.

#### **VI. NO PREJUDICE TO APPELLEE**

11. Granting this Motion will not prejudice Appellees. The requested extension will allow for a more thorough presentation of the legal issues on appeal and will not unduly delay the proceedings.

#### **VII. CONCLUSION AND PRAYER**

12. For the foregoing reasons, Appellant respectfully requests that the Court grant this Motion and extend the deadline for filing the Appellant's brief on the merits to November 20, 2024..

Respectfully submitted,

**FARMER & COKER, PLLC**

/s/Kaitlyn M. Coker

Kaitlyn M. Coker

State Bar No. 24115264

[kaitlyn@farmercoker.com](mailto:kaitlyn@farmercoker.com)

901 Main Street, Suite 5330

Dallas, Texas 75202

Tel: (214) 242-9607

**COUNSEL FOR APPELLANT**  
**TIMOTHY BARTON**

## **CERTIFICATE OF CONFERENCE**

I hereby certify that on October 19, 2024, I conferred with counsel for Appellee regarding the relief requested in this Motion. Appellees are opposed.

/s/Timothy Barton  
Timothy Barton

## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on October 21, 2024, a true and correct copy of the foregoing document was served via email pursuant to the Court's ECF system upon the parties listed below.

J. Robert Forshey on behalf of Counter-Defendant Lunar Land & Cattle, LLC  
[bforshay@forsheyprostok.com](mailto:bforshay@forsheyprostok.com), [calendar@forsheyprostok.com](mailto:calendar@forsheyprostok.com);  
[jgonzalez@forsheyprostok.com](mailto:jgonzalez@forsheyprostok.com); [bforshay@ecf.courtdrive.com](mailto:bforshay@ecf.courtdrive.com); [calendar\\_0573@ecf.courtdrive.com](mailto:calendar_0573@ecf.courtdrive.com);  
[forsheyprostokllp@jubileebk.net](mailto:forsheyprostokllp@jubileebk.net)

J. Robert Forshey on behalf of Intervenor-Plaintiff Lunar Land & Cattle, LLC  
[bforshay@forsheyprostok.com](mailto:bforshay@forsheyprostok.com), [calendar@forsheyprostok.com](mailto:calendar@forsheyprostok.com);  
[jgonzalez@forsheyprostok.com](mailto:jgonzalez@forsheyprostok.com); [bforshay@ecf.courtdrive.com](mailto:bforshay@ecf.courtdrive.com); [calendar\\_0573@ecf.courtdrive.com](mailto:calendar_0573@ecf.courtdrive.com);  
[forsheyprostokllp@jubileebk.net](mailto:forsheyprostokllp@jubileebk.net)

Kimberly Paige Harris on behalf of Intervenor-Plaintiff Lunar Land & Cattle, LLC  
[kharris@qslwm.com](mailto:kharris@qslwm.com), [kdepasquale@qslwm.com](mailto:kdepasquale@qslwm.com)

Charlene Cantrell Koonce on behalf of Attorney Cortney C. Thomas  
[charlene@brownfoxbill.com](mailto:charlene@brownfoxbill.com), [rmelissa@brownfoxbill.com](mailto:rmelissa@brownfoxbill.com)

Joyce W. Lindauer on behalf of Plaintiff BM318, LLC  
[joyce@joycelindauer.com](mailto:joyce@joycelindauer.com), [dian@joycelindauer.com](mailto:dian@joycelindauer.com)

Jay Ong on behalf of Defendant The Dixon Water Foundation  
[jong@munsch.com](mailto:jong@munsch.com), [amays@munsch.com](mailto:amays@munsch.com); [jay-ong-4326@ecf.pacerpro.com](mailto:jay-ong-4326@ecf.pacerpro.com)

Deborah M. Perry on behalf of Counter-Claimant The Dixon Water Foundation  
[dperry@munsch.com](mailto:dperry@munsch.com)

Deborah M. Perry on behalf of Defendant The Dixon Water Foundation  
[dperry@munsch.com](mailto:dperry@munsch.com)

Joshua Lee Shepherd on behalf of Intervenor-Plaintiff Lunar Land & Cattle, LLC  
[jshepherd@qslwm.com](mailto:jshepherd@qslwm.com), [druz@qslwm.com](mailto:druz@qslwm.com)

Julian Preston Vasek on behalf of Counter-Claimant The Dixon Water Foundation

[jvasek@munsch.com](mailto:jvasek@munsch.com), [CourtMail@munsch.com](mailto:CourtMail@munsch.com)

Julian Preston Vasek on behalf of Defendant The Dixon Water Foundation  
[jvasek@munsch.com](mailto:jvasek@munsch.com), [CourtMail@munsch.com](mailto:CourtMail@munsch.com)

*/s/ Kaitlyn M. Coker*  
Kaitlyn M. Coker